

REMARKS

This Amendment is being filed in response to the Final Office Action mailed May 13, 2008, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Final Office Action, Examiner indicated that claim 24 would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication that claim 24 contains patentable subject matter. By means of the present amendment, independent claim 18 has been amended to include the features of allowable claim 24 and intervening claim 20 which have been canceled without prejudice. Accordingly, it is respectfully submitted that independent claim 18 is in allowable form, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 19 and 21-23 should also be allowed at least based on their dependence from independent claim 18.

In the Final Office Action, claim 26 is rejected under 35

U.S.C. §102(a) as allegedly anticipated by U.S. Patent No. 5,531,601 (Amoroso). Claims 27 and 28 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Amoroso. Further, claims 29-34 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Amoroso in view of U.S. Patent No. 5,390,433 (Brady). It is respectfully submitted that claims 26-31 and 33 are patentable over Amoroso and Brady for at least the following reasons.

Amoroso is directed to battery pack for powering an illuminated clothing article. That is, a single function is provided by the cooperation any conductive surfaces in Amoroso, namely, turning illumination on/off.

In stark contrast, the present invention as recited in independent claim 26, and similarly recited in independent claim 28, amongst other patentable elements recites (illustrative emphasis provided):

wherein the two or more conductive surfaces electrically cooperate with the at least one conductive interface so that one two or more different functions may be accomplished depending on the relative position of the at least one conductive interface with respect to the conductive surfaces.

These features are nowhere taught or suggested in Amoroso.

Brady is cited to allegedly show other features and does not remedy the deficiencies in Amoroso.

Accordingly, it is respectfully submitted that independent claims 26 and 28 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 27, 29-31 and 33 should also be allowed at least based on their dependence from independent claims 26 and 28.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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